

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AUG - 3 2005

CLERK

U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

CALVIN ARTIS STEWART, JR.)

CR. NO. 2:05CR171-T

[21 USC 841(a)(1);

18 USC 922(g)(3);

18 USC 924(c)(1)(A)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 18th day of March, 2005, in Hayneville, Alabama, within the Middle District of Alabama,

CALVIN ARTIS STEWART, JR.,

defendant herein, did knowingly and intentionally possess with intent to distribute approximately 13.07 grams of cocaine base, a Schedule II Controlled Substance, and approximately 19.57 grams of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, 841(a)(1).

COUNT 2

On or about the 18th day of March, 2005, in Hayneville, Alabama, within the Middle District of Alabama,

CALVIN ARTIS STEWART, JR.,

defendant herein, then being an unlawful user of a controlled substance, did knowingly possess in and affecting commerce, a firearm, that is a Taurus, Model Millennium, .40 caliber Semi-Auto Pistol, serial number SVL 11333, in violation of Title 18, United States Code, Section 922(g)(3).

COUNT 3

On or about the 18th day of March, 2005, in Hayneville, Alabama, within the Middle District of Alabama,

CALVIN ARTIS STEWART, JR.,

defendant herein, did knowingly possess a Taurus, Model Millennium, .40 caliber Semi-Auto Pistol, serial number SVL 11333, in furtherance of a drug trafficking offense, and did use and carry said firearm during and in relation to a drug trafficking offense as charged in Count 1 herein, to wit: possession with intent to distribute cocaine base, in violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURE ALLEGATION

A. Counts 1, 2 and 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for any violations of Title 18, United States Code, Section 922 or 924, as alleged in Counts 2 or 3 of this indictment, the defendant,

Calvin Artis Stewart, Jr.,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of any of these offenses.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;

- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without


difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above.


All in violation of Title 18, United States Code, Sections 922 and 924.

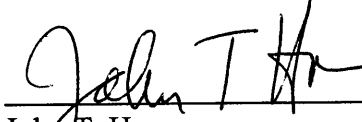
be divided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in Paragraph B above.

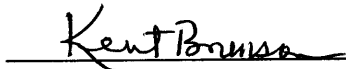
All in violation of Title 18, United States Code, Section 924.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


John T. Harmon
Assistant United States Attorney


Kent B. Brunson
Assistant United States Attorney